

**DOCKET NO.: IBIS-0403(IBIS0055-100)**  
**SERIAL NO.: 10/071,978**

**PATENT**  
**FILED:02/06/2002**

### REMARKS

Claims 1, 3-21, 63, 65-94 and 96-97 were pending in the application. Claims 2, 22-62, 64, 95 and 98-106 were previously canceled without prejudice to their presentation in another application. Claims 63, 73, 81 and 82 have been amended, support for which can be found throughout the specification and specifically at the various tables and examples of compounds of the invention. No new matter has been added. Upon entry of the present amendment, claims 1, 3-21, 63, 65-94 and 96-97 will be pending.

#### **I. Summary of the Claimed Invention**

Applicants' invention is directed to, *inter alia*, novel benzimidazoles according to representative structures I and II, and their derivatives that possess antibacterial activity. This invention is also directed to compositions including the benzimidazole derivatives, and methods for using the same.

#### **II. The Claims Are Clear And Definite**

Claims 63, 73 and 82 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Claim 63 has been amended, removing the potential for substitution of non-existent substituents, thereby overcoming the rejection of this claim.

Likewise in pending claim 73, the use of the term "foregoing R" was replaced with specific listing of the "foregoing R" groups of concern, thereby making clear the meets and bounds of this claim. Moreover, redundant and overlapping lists of substituents, where present, have been

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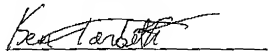
corrected. Applicants submit the rejections of this claim to be overcome and therefore respectfully requests reconsideration in light thereof.

The typographical error of claim 82 has likewise been corrected within the present amendment.

### III. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at (619) 685-1708 if there are any questions regarding Applicants' claimed invention.

Respectfully submitted,



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